

Exhibit 5

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DEC 28 2005

MILLER NASH LLP

CIVIL ACTION NO. 04 12258-JLT

MAGISTRATE JUDGE ROBERT B.
COLLINGS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

DECLARATION OF BRENDA NEWMAN

I, Brenda Newman declare as follows:

1. I am the owner of The Jewelry Source, located at 337 Main Street, El Segundo, California. I have personal knowledge of the following facts and I am competent to testify to same.

2. The Jewelry Source is a retail jewelry store specializing in custom designed jewelry. The Jewelry Source maintains a website at www.jewelrystoreusa.com.

3. In June 2000, The Jewelry Source became an EightStar Diamond dealer. Sometime after The Jewelry Source became an EightStar Diamond dealer, The Jewelry Source put the page attached hereto as Exhibit "A" on its website.

4. When The Jewelry Source posted the page attached hereto as Exhibit "A" on its website, it contained the language "At The Jewelry Source, you'll find the world's most perfectly cut diamond: the EightStar (tm)." I used this language because I felt it correctly described the EightStar diamond.

5. At no time did Richard von Sternberg or any else connected with EightStar Diamond Company direct me or encourage me to use the phrase "the world's most perfectly cut

diamond” or “the most perfectly cut diamond in the world” to promote the EightStar diamond or to direct customers to EightStar Diamond Company’s website. I did not submit the language used in The Jewelry Source’s website to EightStar Diamond Company for its review or approval.

6. The Jewelry Source’s website does not have nor has it ever had any link to EightStar Diamond Company’s website.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 20, 2005, at El Segundo, California.



Brenda Newman

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 10, 2006.

/s/ James L. Phillips

James L. Phillips

Exhibit 6

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04 12258-JLT

MAGISTRATE JUDGE ROBERT B.
COLLINGS

DECLARATION OF BERKELEY GRIMBALL

I, Berkeley Grimball, declare as follows:

1. I am the president of GRS Jewelers, Inc., doing business as Grimball Jewelers. I have personal knowledge of the following facts and I am competent to testify to same.

2. Grimball Jewelers is a retail jewelry store located at 79 South Elliot Road, Chapel Hill, North Carolina. Grimball Jewelers designs, repairs and sells jewelry, diamonds and colored gems.

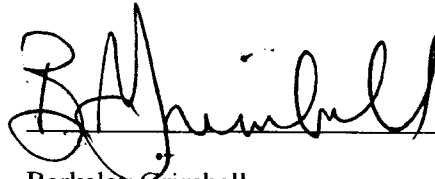
3. Grimball Jewelers became an EightStar Diamond dealer in May 2002.

4. Grimball Jewelers maintains a website at www.grimballjewelers.com. After Grimball Jewelers became an EightStar Diamond dealer, the pages attached as Exhibit "A" were posted on the Grimball Jewelers website.

5. When Grimball Jewelers used the phrase "the most perfectly cut diamonds in the world," I did not know that Hearts on Fire used the phrases "the most perfectly diamonds in the world" and "the world's most perfectly cut diamond" in its advertising. Grimball Jewelers used this phrase because I believed it accurately described the EightStar diamond.

6. At no time did Richard von Sternberg or anyone else connected with EightStar Diamond Company direct or encourage Grimball Jewelers to use the phrase “the most perfectly cut diamonds in the world” or any similar phrases in its advertising for the EightStar diamond or in its link to the EightStar Diamond Company website. We did not submit the language used in Grimball Jewelers’ website to EightStar Diamond Company for its review or approval.

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct. Executed on December 30, 2005, at Chapel Hill, North Carolina.



Berkeley Grimball

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 10, 2006.

/s/ James L. Phillips
James L. Phillips

Exhibit 7

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 04 12258-JLT

EIGHTSTAR DIAMOND COMPANY and GRS
JEWELERS, INC.,

Defendants.

DECLARATION OF DOUGLAS VAN DYKE

I, Douglas Van Dyke declare as follows:

1. I am the President of E.R. Sawyer Jewelers, Inc. ("E.R. Sawyer"). I have personal knowledge of the following facts, am over 18 years old, and am authorized to make this declaration on behalf of E.R. Sawyer.

2. E.R. Sawyer is a retail jewelry store located at 638 4th Street Santa Rosa, California. E.R. Sawyer designs, repairs, and sells jewelry, diamonds and colored gems.

3. E.R. Sawyer was sued by Hearts on Fire Company ("HOF") regarding E.R. Sawyer's alleged use of HOF's marks, THE WORLDS MOST PERFECTLY CUT DIAMONE and THE MOST PERFECTLY CUT DIAMOND IN THE WORLD ("HOF's Marks") in Civil Action No. C 04 1913, in the United States District Court for the Northern District of California.

4. On June 23, 2004 E.R. Sawyer and HOF settled this lawsuit pursuant to the terms in the attached settlement agreement (See Exhibit I). In accordance with the settlement agreement, I have diligently checked to make sure that E.R. Sawyer has not used any of HOF's Marks.

5. In the settlement agreement, HOF forever discharged E.R. Sawyer from any and all known claims, debts, demands, actions, causes of action, suits and controversies of any kind.... See Exhibit 1 at ¶ 3.

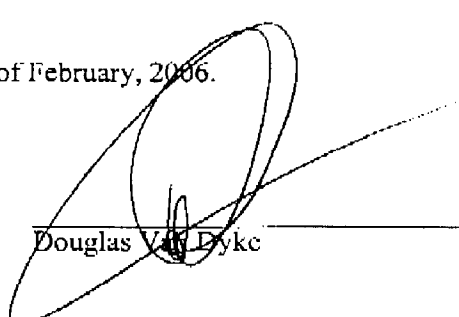
6. Upon information and belief, HOF is now alleging E.R. Sawyer, has engaged in concerted action—instigated and directed by EightStar—to misappropriate the good will HOF has built up in its trademarks...by using identical or nearly identical designations to HOF's Marks to promote EightStar's merchandise and EightStar's web site.

7. At no time has Richard or Dana von Sternberg or anyone else connected with EightStar ever directed, instigated or encouraged E.R. Sawyer to use THE MOST PERFECTLY CUT DIAMOND IN THE WORLD and THE WORLD'S MOST PERFECTLY CUT DIAMOND or any confusingly similar designations in its advertising for EightStar diamond or in its link to EightStar's website.

8. E.R. Sawyer did not submit any language used on www.ersawyer.com to EightStar Diamond Company for its review or approval.

I certify under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated at Santa Rosa, California this 18th day of February, 2006.



Douglas Van Dyke

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 10, 2006.

/s/ James L. Phillips

James L. Phillips